

FaDSS Policy 3.0 – Confidentiality

Policy Statement

It is the policy of the FaDSS program that the right to privacy and client confidentiality is held in the highest regards. State statutes recognize the privacy rights of individuals who receive services and assistance. The FaDSS program must comply with Iowa Code section 217.30 (FaDSS Contract Article 24.0)

General Protocol

The following information is intended to highlight key confidentiality considerations. Please reference the FaDSS contract, FaDSS standards and approved trainings for further information.

FaDSS Statement of Family Rights

Each family enrolled in the FaDSS program is informed and provided with a copy of the FaDSS Statement of Family Rights, which addresses a family's rights and how information and privacy will be safeguarded. (FaDSS Standard 5)

Sources of Confidential Client Information

The FaDSS program obtains information about families from the families themselves and from collateral sources, such as PROMISE JOBS, Income Maintenance, community providers, friends, and others. All information received by the FaDSS program concerning a specific family is subject to confidentiality safeguards. Information that is received from collateral sources shall not be disseminated to other sources regardless of whether the family has provided consent to do so.

Information to be Safeguarded

"Family specific" information is confidential and not subject to the open records law. "Family specific" information is that which specifically identifies a client through, for example, name, address, or social security number. Often a document will be subject to the open records law, but will have both "client-specific"/identifying information as well as information of a non-identifying nature. In such a case, the identifying information must be excised (blacked out) before releasing the documents.

When Confidentiality Safeguards are Effective

Confidentiality safeguards go into effect from the initial contact between the family and the FaDSS program for which safeguarded information is received. The safeguards apply to any "family specific" information, whether written or oral, and whether or not it is incorporated into the family's records. Safeguards continue to be in effect indefinitely. They are not terminated by exiting the FaDSS program.

Releasing Confidential Information Legal reference: 441 IAC 9.7(17A, 22, 228)

No confidential information about a family in the FaDSS program shall be released without consent, except in special circumstances (see below). The release of information includes:

- The signature of the person whose information will be released, or the parent, or legal guardian of the person who is unable to provide authorization;
- The specific information to be released;
- The purpose for which the information is to be used, except how disclosure is mandated by the law or the person is receiving services under court supervision or directive;
- The date the release takes effect;
- The date the release expires, not to exceed 90 days from when authorization is given for a one-time release of information, and not to exceed one year, or as the law requires when a contracted or cooperating service provider requires the release of information for ongoing service provision;
- The name of the person within the organization who is providing the confidential information; and
- A statement that the *person may withdraw their authorization at any time.*

When the FaDSS program is provided with a release of information the program must verify the identity of the person requesting the information if the person is not known to the program. Do not disclose information unless you are certain the information will be relayed to the authorized person

Note: "Informed consent" means that the request for release of information has been explained to or for the benefit of the signer and the consent is given freely and voluntarily without fear of retribution or withdrawal of services. FaDSS personnel must ensure that the person understands all elements of the release of information. FaDSS personnel must never provide information to another party that goes beyond the defined purpose stated in the release of information.

Sending Electronic Communication

In the absence of an agency-approved or agency-mandated confidentiality disclaimer for electronic communication, grantees must include the following statement on any e-mail that contains identifying information including, but not limited to: names, addresses, Social Security numbers, State ID numbers, and case numbers, regardless of the addressee.

"THIS MESSAGE CONTAINS CONFIDENTIAL INFORMATION. UNAUTHORIZED USE OR DISCLOSURE IS PROHIBITED."

The message must be placed at the beginning of any electronic message that contains confidential information. Please remember that if you are replying to a message that contains confidential information, you must add this statement to the beginning of your reply even if the sender included the statement at the beginning of their message. In addition, your subject line should not contain identifying information. Do not use e-mail to transmit confidential information if you have any reason to believe that confidentiality could be breached.

Conducting Home Visits with Non-Family Unit Members

If a person beyond the family unit is invited by the family to participate in FaDSS services, the family must sign a release of information allowing the person to be a part of FaDSS services.

Note: FaDSS personnel will follow guidance on obtaining informed consent

Participating in multi-disciplinary meeting

If the FaDSS program is invited by the family or another entity to participate in a multi-disciplinary meeting such as a family team meeting or an Individual Education Plan, the family must sign a release of information allowing the FaDSS program to participate. The purpose of this release is to allow the FaDSS worker to attend and participate in the meeting.

Note: The FaDSS worker must obtain a release of information to communicate with participants that are involved in the meeting outside of the meeting.

Reporting of Unauthorized Disclosure

The FaDSS program must report to the FaDSS program manager at the DCAA any unauthorized disclosure of confidential information. (Reference: FaDSS Contract General Terms E4)

Special Circumstances - Income Maintenance/PROMISE JOBS/FaDSS

All agencies involved in the provision of PROMISE JOBS services shall safeguard participant information in conformance with Iowa Code Section 217.30.

PROMISE JOBS agencies, for the purposes of this policy, refer to Department of Human Services (including Bureau of Refugee Services), Iowa Workforce Development, and Department of Human Rights (FaDSS). Because of the contracts and agreements between these agencies, staff that work with PROMISE JOBS participants within these agencies and within their subcontractors or grantees are subject to the same laws, and rules with regard to confidentiality. It is expected that each agency has and enforces comparable policies and procedures for safeguarding confidentiality.

Sharing between PROMISE JOBS Agencies:

Information about a PROMISE JOBS participant or applicant can be confidently shared between the PROMISE JOBS agencies. All information shared between agencies shall be used only for purposes of administration of programs, services or assistance.

Note: Legal reference; Iowa Code Section 217.30; 441 IAC 9.7(17A, 22, 228); 441 IAC 9.10(7); 93.2(2)c; 441 IAC 9.10(4)e

Special Circumstances - Mandatory Reporter

Personnel in the FaDSS program are mandatory reporters and must make a report within twenty-four hours. FaDSS programs do not have to inform the family of the report. The family must be informed at

program enrollment that FaDSS program personnel are mandatory reporters. The FaDSS grantee must not apply a policy, work rule, or other requirement that interferes with the person making a report.

*Note: Legal Reference Iowa Code 232.69. FaDSS policy 4.0
FaDSS personnel should consult FaDSS Coordinator for further information.*

Special Circumstances – Child Abuse Investigations

The FaDSS program must cooperate and release information to the Iowa Department of Human Services and law enforcement when those entities are conducting a child abuse investigation.

Special Circumstances – Minor Parents

Minor parents must live with a parent or guardian to be eligible for Family Investment Program (FIP) unless the Department of Human Services (DHS) establishes good cause. The minor parent will be considered the head of the household if the parent does not agree to FaDSS services. The minor parent may sign all FaDSS forms and may give consent on a release of information form. All other minors must have the parent provide consent to release information, except for disclosure of substance abuse information.

Note: Please refer to Iowa Code 441 IAC 41.22(16), 41.22 (17) for good cause and 441 IAC 9.15(3) “c” for substance abuse references.

A minor that is referred to the FaDSS program due to not attending school cannot give consent. The parent will need to provide consent.

Special Circumstances – Subpoenas

The FaDSS program may be served with a subpoena or other legal process regarding FaDSS families. The FaDSS program must promptly notify the DCAA and cooperate with the DCAA in any lawful effort to protect the confidential information. A court subpoena does not allow the release of confidential information without signed consent from the FaDSS family. Confidential information may only be released by a court order.

*Note: Legal Reference FaDSS Contract General Terms E3
FaDSS personnel should consult FaDSS Coordinator for further information.*

Special Circumstances – Fraud

The FaDSS program must release information to the Iowa Department of Inspection and Appeals (DIA) when that entity is prosecuting or defending a civil or criminal proceeding in connection with administration of the FaDSS program. The information released must be directly connected with the administration of the FaDSS program. Do not provide access to FaDSS records for local or other law enforcement agencies seeking information without a release from DIA. DIA uses form 470-1363.

*Note: Legal Reference 441 IAC 9.10(6); 45 CFR 164.502 (a) (1)(i), 164.506 and 164.512(f)(1)
FaDSS personnel should consult their FaDSS Coordinator for further information.*

Special Circumstances - Release of Client Address to Law Enforcement

FaDSS may release the address of a client that is a current FIP recipient to a federal, state or local law enforcement officer if the officer provides the program with the name of the participant and notifies the program that the participant either:

- Is fleeing prosecution, custody, or confinement after conviction under state or federal law, or
- Is a probation or parole violator under state or federal law, or
- Has information that is necessary for the officer to conduct official duties.

The officer must notify the FaDSS program that the location or apprehension of the participant is within their official duties. Refer all requests of this nature to the FaDSS Coordinator. The FaDSS Coordinator will notify the DCAA.

Note: Iowa Department of Human Services Employees' Manual I-C

Special Circumstances - Imminent harm

The FaDSS program may release information to prevent imminent harm to a person. Definition: "Any conditions or practices which are such that a danger exists which could reasonably be expected to cause death or serious physical harm." Immediate threat: means conditions that, if no response were made, would be more likely than not to result in sexual abuse, injury or death to a child.

Note: Legal Reference (441 IAC 175.21)

When it is believed a family participant intends to harm someone, you may warn the intended victim or the police or both. Disclose only the name, identification, and location of the person and the details of the person's plan of harm. FaDSS personnel should consult the FaDSS Coordinator for further information.

Special Circumstances – Program Oversight

The FaDSS program may release information to the officials who perform auditing or a similar activity, e.g., review of expenditure reports or financial review, or family file review conducted in connection with administration of the program by the Department of Human Rights. These officials may request and receive confidential information for the FaDSS grantee as necessary in the performance of the duties assigned to their position.

Note: Legal Reference (441 IAC 175.21)

If any other governmental agency seeks information for auditing purposes, please contact the FaDSS State Program Manager assigned to your FaDSS program.

Special Circumstances – Sharing within a FaDSS organization

1. FaDSS grantees may share information within their FaDSS program without a release of information from the family. The sharing of this information may only be for purposes of effectively providing FaDSS services.

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2. FaDSS grantees may share information within their FaDSS organization without a release of information from the family for program administration purposes.
3. FaDSS grantees may share information among programs within their FaDSS organization without a release of information from the family when the following policies and practices are in place:
 - a. The organization has policies and procedures that outline the safeguarding of information and practices that meet all legal requirements to disseminate information.
 - b. Each employee within the organization must be made aware of the confidentiality policies and practices of the organization.
 - c. The organization must inform the family that information may be shared among programs within the agency for the purposes of providing effective services while the family is enrolled in FaDSS. The family must sign a document confirming they are aware and consent to this practice.
 - d. Information may only be share on a 'need to know' basis.

Note: FaDSS Standard #6; FaDSS personnel should consult the FaDSS Coordinator for further information.